



W.P.(MD)No.16330 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.16330 of 2026

1.A.Rahmath Nisha
2.H.Salamath Jameela
3.V.Barakth Nisha
4.K.Kothar Beevi
5.S.Nusrath Rabiya

... Petitioners

vs.

The Deputy Director,
District Town and Country Planning Office,
NGO Colony, Chatrareddiyapatti,
Viruthunagar, Viruthunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order of the Respondent passed in Na.Ka.No.1112/2024/Viru. Ma dated 18.09.2024 and quash the same as illegal and consequently directing the Respondent to regularize the house site land situated in T.S. No.9/1D, 1B, 1H,1C, 1F, Ward -F, Block -4, Sivakasi, Virudhunagar District within a stipulated time fixed by this Court.



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For Petitioners :Mr.R.Jagadeeswaran
For Respondent :Mr.M.Mahaboob Athiff
Government Advocate

ORDER

Heard Mr. R. Jagadeeswaran, learned counsel for the petitioners, and Mr. M. Mahaboob Athiff, learned Government Advocate, who accepts notice on behalf of the respondent.

2.The petitioners assail the order dated 18.09.2024 issued by the respondent, whereby the petitioners' applications for regularisation of their house sites situated in T.S. Nos.9/1D, 1B, 1H, 1C and 1F, Ward-F, Block-4, Sivakasi, Virudhunagar District, have been rejected.

3.The petitioners claim that they are the absolute owners of the aforesaid properties. In the approved layout, the said properties had been earmarked as "School and Playground" and, therefore, the petitioners submitted applications seeking regularisation of the said plots in terms of the Circular dated 14.08.2021 issued by the Director of Town and Country Planning, Koyambedu, Chennai.



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4.The grievance of the petitioners is that the said applications came to be rejected on the ground that the subject properties have been earmarked as “School and Playground” in the original approved layout under the Sivakasi Detailed Development Plan published in the year 1993.

5.The Circular dated 14.08.2021 issued by the Director of Town and Country Planning, Chennai, reveals that where a plot has been earmarked as “School and Playground” in the original approved layout plan, the District Officers are delegated with powers to grant permission for such conversion of use proposals at their level itself, strictly adhering to the norms prescribed in the resolution of the Empowered Committee, provided that school and playground facilities are available within a radius of two to three kilometres from the approved layout plan. Therefore, rejection of the petitioners’ applications without considering the said Circular is arbitrary and discriminatory.



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6.Insofar as the reservation of the subject properties as “School and Playground” in the Sivakasi Detailed Development Plan is concerned, such reservation has lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, since the land has not been acquired within five years from the date of such publication.

7.The learned Government Advocate for the respondent submitted that the subject properties were earmarked as “School and Playground” in the approved layout plan and, therefore, the plots belonging to the petitioners cannot be regularised.

8.However, the same is refuted by the learned counsel for the petitioners, stating that the said plots were not earmarked as “School and Playground” in the approved layout plan.

9.The said controversy can be resolved only after conducting an enquiry by the respondent, after providing an opportunity of hearing to the parties concerned.



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10. In the light of the above, the impugned order passed by the respondent is liable to be set aside.

11. Accordingly, the writ petition is allowed and the impugned order dated 18.09.2024 passed by the respondent is hereby set aside.

12. The respondent is directed to reconsider the applications submitted by the petitioners on merits and in accordance with law for grant of regularisation of the subject plots, subject to the petitioners satisfying the other eligibility criteria. The respondent is also preserved with liberty to conduct an enquiry to verify as to whether the said plots were earmarked as “School and Playground” in the approved layout plan and surrendered to the local authority.

13. The aforesaid exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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14. There shall be no order as to costs.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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(1/2)

cmr

To

The Deputy Director,
District Town and Country Planning Office,
NGO Colony, Chatrareddiyapatti,
Viruthunagar, Viruthunagar District.



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HEMANT CHANDANGOUDAR, J.

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